

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application of: R. GORODETSKY et al.

Confirmation no. 3576

Application No.: 09/487,790

Group Art Unit: 1653

Filed: January 20, 2000

Examiner: S. Liu

For: HAPTOTACTIC PEPTIDES

Attorney Docket No.: 85189-5700

RESPONSE TO RESTRICTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement made in the office action date June 24, 2004, Applicants elect, with traverse, the invention of Group I, claims 1-6 and 10-12, drawn to polypeptides and pharmaceutical compositions containing them, for prosecution in this application. In addition, as a species of the elected compositions, applicants elect at this time peptide KGSWYSMRKMSMKIRPFFPQQ (peptide-C β (code name - (09), hereinafter referred to as "peptide-C β ", (SEQ ID NO:1).

The office action states that Invention II, drawn to polynucleotide, is patentably distinct from Inventions I, III, IV and V. Invention I is drawn to polypeptide, and Inventions III, IV and V are drawn to various compositions comprising the peptide. Each of the polynucleotides of Invention II encode a polypeptide disclosed in Invention I, III, IV and V and, as such, both products correspond to the same technical feature.

The office action further alleges that each of inventions V and I, III and I and IV and I, although related as combinations and subcombinations, are distinct from each other as the combination as claimed does not require the particulars of the subcombination as claimed. Specifically, the inventions are alleged to be distinct since the utility of the composition dose not necessary depend on the utility of each separate peptide, as each peptide has a distinct amino acid sequence. The applicants respectfully traverse.

All the claimed peptides share a unique feature, as disclosed in the specification at page 9, line 21 to page 10, line 7: "The novel peptide sequences of the present invention are homologous to select regions of the fibrin molecule, yet retain certain desired properties of the entire molecule, such as cell adhesive effect, for example. The specific sequences of these haptotactic peptide (emphasis added) are KGSWYSMRKMSMKIRPFFPQQ (peptide-C β (code name – (09), hereinafter referred to as "peptide-C β ", (SEQ ID NO:1)C β , KTRWYSMKKTTMKIIPFNRL (peptide preC γ (code name – (70a, hereinafter referred to as "peptide-preC γ ", (SEQ ID NO:2)), and RGADYSLRAVRMKIRPLVTQ (peptide CaE (code name– (71), hereinafter referred to as "peptide-CaE", (SEQ ID NO:3)). "Haptotactic properties" are read as "cell binding properties" (page 8 lines 17-18). Furthermore, the three disclosed peptides are homologous to each other as shown in Table 1 of the present specification (page 18; homologous amino acids are shown in bold). Thus, the utility of the compositions depends on one feature - the haptotactic activity of each of the peptides. As exemplified in the invention (Fig. 2), these peptides have the ability to render otherwise inactive material, such as Sepharose, into a haptotactic material. Therefore, the peptides and compositions of the present invention relate to a single, general inventive concept, i.e., providing peptides and compositions that elicit haptotactic activity, and therefore all claims should be considered as being directed to a single invention.

Any questions regarding this matter should be directed to the undersigned.

Respectfully submitted,

Date 8/4/04


Allan A. Fanucci (Reg. No. 30,256)

WINSTON & STRAWN LLP
CUSTOMER NO. 28765
(212) 294-3311